United Nations A/56/592

General Assembly

Distr.: General
26 November 2001
English
Original: Arabic

**Fifty-sixth session**
Agenda item 165

# Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

## Report of the Sixth Committee

*Rapporteur*: Mr. Mahmoud Mohmed **Al-Naman** (Saudi Arabia)

## I. Introduction

1. The item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization" was included in the provisional agenda of the fifty-sixth session of the General Assembly pursuant to Assembly resolution 55/156 of 12 December 2000.

2. At its 3rd plenary meeting, on 19 September 2001, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 6th to 8th, 10th, 23rd and 24th meetings, from 10 to 12 and on 26 October and on 8 and 9 November 2001. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/56/SR.6-8, 10, 23 and 24).

4. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;[1]

(b) Report of the Secretary-General on the *Repertory of Practice of United Nations Organs* and *Repertoire of the Practice of the Security Council* (A/56/330);

[1] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 33* (A/56/33).

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(c) Report of the Secretary-General on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions (A/56/303).

# II. Consideration of proposals

## A. Draft resolution A/C.6/56/L.14

5. At the 23rd meeting, on 8 November, the representative of Egypt introduced a draft resolution entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization" (A/C.6/56/L.14).

6. At the 24th meeting, on 9 November, the representative of the United Kingdom of Great Britain and Northern Ireland orally proposed an amendment to the draft resolution by which the words "with a view to completing its consideration of these proposals" would be inserted at the end of operative paragraph 3 (c).

7. At the same meeting, the representative of Portugal orally proposed that the amendment of the United Kingdom be further amended to read: "with a view to completing, if possible, its consideration of these proposals".

8. Also at the same meeting, before the adoption of the draft resolution, the representative of the Libyan Arab Jamahiriya made a statement in explanation of position concerning operative paragraph 3 (b) (see A/C.6/56/SR.24).

9. Also at its 24th meeting, the Committee adopted draft resolution A/C.6/56/L.14, as orally amended, without a vote (see para. 13, draft resolution I).

## B. Draft resolution A/C.6/56/L.6 and Rev.1

10. At the 10th meeting, on 26 October, the representative of Ukraine, on behalf of Bulgaria, the Russian Federation and Ukraine, subsequently joined by Bangladesh, Brazil, Chile, China, Colombia, Egypt, India, Sierra Leone, Slovakia, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey and Uganda, introduced a draft resolution entitled "Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions" (A/C.6/56/L.6), which read:

> "*The General Assembly*,
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> "*Concerned* about the special economic problems confronting certain States arising from the carrying out of preventive or enforcement measures taken by the Security Council against other States, and taking into account the obligation of Members of the United Nations under Article 49 of the Charter of the United Nations to join in affording mutual assistance in carrying out the measures decided upon by the Security Council,
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> "*Recalling* the right of third States confronted with special economic problems of that nature to consult the Security Council with regard to a solution of those problems, in accordance with Article 50 of the Charter,

"*Recognizing* the desirability of the consideration of further appropriate procedures for consultations to deal in a more effective manner with the problems referred to in Article 50 of the Charter,

"*Recalling*:

"(a) The report of the Secretary-General entitled 'An Agenda for Peace', in particular paragraph 41 thereof,

"(b) Its resolution 47/120 A of 18 December 1992, entitled 'An Agenda for Peace: preventive diplomacy and related matters', its resolution 47/120 B of 20 September 1993, entitled 'An Agenda for Peace', in particular section IV thereof, entitled 'Special economic problems arising from the implementation of preventive or enforcement measures', and its resolution 51/242 of 15 September 1997, entitled 'Supplement to an Agenda for Peace', in particular annex II thereto, entitled 'Question of sanctions imposed by the United Nations',

"(c) The position paper of the Secretary-General entitled 'Supplement to an Agenda for Peace',

"(d) The statement by the President of the Security Council of 22 February 1995,

"(e) The report of the Secretary-General prepared pursuant to the statement by the President of the Security Council regarding the question of special economic problems of States as a result of sanctions imposed under Chapter VII of the Charter,

"(f) The annual overview reports of the Administrative Committee on Coordination for the period from 1992 to 2000, in particular the sections therein on assistance to countries invoking Article 50 of the Charter of the United Nations,

"(g) The reports of the Secretary-General on economic assistance to States affected by the implementation of the Security Council resolutions imposing sanctions against the Federal Republic of Yugoslavia and General Assembly resolutions 48/210 of 21 December 1993, 49/21 A of 2 December 1994, 50/58 E of 12 December 1995, 51/30 A of 5 December 1996, 52/169 H of 16 December 1997, 54/96 G of 15 December 1999 and 55/170 of 14 December 2000,

"(h) The reports of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization on the work of its sessions held in the years 1994 to 2001,

"(i) The reports of the Secretary-General on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter,

"(j) The report of the Secretary-General to the Millennium Assembly of the United Nations, in particular section IV.E thereof, entitled 'Targeting sanctions',

"(k) The United Nations Millennium Declaration, in particular paragraph 9 thereof,

"(l) The report of the Secretary-General entitled 'Road map towards implementation of the United Nations Millennium Declaration', in particular paragraphs 56 to 61 thereof,

"*Taking note* of the most recent report of the Secretary-General, submitted in accordance with General Assembly resolution 55/157 of 12 December 2000,

"*Taking note also* of the report of the Office of Internal Oversight Services on the in-depth evaluation of the United Nations programmes relating to global development trends, issues and policies, and global approaches to social and microeconomic issues and policies, and the corresponding subprogrammes in the regional commissions, in particular recommendation 3 contained therein, as approved by the Committee for Programme and Coordination at its fortieth session,

"*Recalling* that the question of assistance to third States affected by the application of sanctions has been addressed recently in several forums, including the General Assembly, the Security Council, the Economic and Social Council and their subsidiary organs,

"*Recalling also* the measures taken by the Security Council, in accordance with the statement by the President of the Security Council of 16 December 1994, that, as part of the effort of the Council to improve the flow of information and the exchange of ideas between members of the Council and other States Members of the United Nations, there should be increased recourse to open meetings, in particular at an early stage in its consideration of a subject,

"*Recalling further* the measures taken by the Security Council in accordance with the note by the President of the Security Council of 29 January 1999 aimed at improving the work of the sanctions committees, including increasing the effectiveness and transparency of those committees,

"*Stressing* that, in the formulation of sanctions regimes, due account should be taken of the potential effects of sanctions on third States,

"*Stressing also*, in this context, the powers of the Security Council under Chapter VII of the Charter and the primary responsibility of the Council under Article 24 of the Charter for the maintenance of international peace and security in order to ensure prompt and effective action by the United Nations,

"*Recalling* that, under Article 31 of the Charter, any Member of the United Nations that is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Council whenever the latter considers that the interests of that Member are specially affected,

"*Recognizing* that the imposition of sanctions under Chapter VII of the Charter has been causing special economic problems in third States and that it is necessary to intensify efforts to address those problems effectively,

"*Taking into consideration* the views of third States which could be affected by the imposition of sanctions,

"*Recognizing* that assistance to third States affected by the application of sanctions would further contribute to an effective and comprehensive approach by the international community to sanctions imposed by the Security Council,

"*Recognizing also* that the international community at large and, in particular, international institutions involved in providing economic and financial assistance should continue to take into account and address in a more effective manner the special economic problems of affected third States arising from the carrying out of preventive or enforcement measures taken by the Security Council under Chapter VII of the Charter, in view of their magnitude and of the adverse impact on the economies of those States,

"*Recalling* the provisions of its resolutions 50/51 of 11 December 1995, 51/208 of 17 December 1996, 52/162 of 15 December 1997, 53/107 of 8 December 1998, 54/107 of 9 December 1999 and 55/157 of 12 December 2000,

"1. *Renews its invitation* to the Security Council to consider the establishment of further mechanisms or procedures, as appropriate, for consultations as early as possible under Article 50 of the Charter of the United Nations with third States which are or may be confronted with special economic problems arising from the carrying out of preventive or enforcement measures imposed by the Council under Chapter VII of the Charter, with regard to a solution of those problems, including appropriate ways and means for increasing the effectiveness of its methods and procedures applied in the consideration of requests by the affected States for assistance;

"2. *Welcomes* the measures taken by the Security Council since the adoption of General Assembly resolution 50/51, most recently the note by the President of the Security Council of 17 April 2000, whereby the members of the Security Council decided to establish an informal working group of the Council to develop general recommendations on how to improve the effectiveness of United Nations sanctions, looks forward to the speedy adoption of the draft outcome of the working group, in particular those provisions thereof regarding the issues of unintended impacts of sanctions and assistance to States in implementing sanctions, and strongly recommends that the Council continue its efforts to further enhance the effectiveness and transparency of the sanctions committees, to streamline their working procedures and to facilitate access to them by representatives of States that find themselves confronted with special economic problems arising from the carrying out of sanctions;

"3. *Invites* the Security Council and its sanctions committees to ensure that:

"(a) Both pre-assessment reports and ongoing assessment reports include as part of their analysis the likely and actual unintended impact of the sanctions on third States and recommend ways in which negative impacts can be mitigated,

"(b) Sanctions committees provide opportunities for third States affected by sanctions to brief them on unintended impacts they are experiencing and assistance needed by them to mitigate negative impacts,

"(c) The Secretariat continues to provide, upon request, advice and information to third States to help them to pursue means to mitigate the unintended impact of sanctions, e.g. on invoking Article 50 of the Charter for consultation with the Security Council,

"(d) Where economic sanctions have had severe effects on third States, the Security Council requests the Secretary-General to consider appointing a special representative or dispatching, as necessary, fact-finding missions on the ground to undertake necessary assessments and to identify, as appropriate, possible ways of assistance, and that, in the same context, the Security Council considers establishing working groups to consider such situations;

"4. *Requests* the Secretary-General to pursue the implementation of General Assembly resolutions 50/51, 51/208, 52/162, 53/107, 54/107 and 55/157 and to ensure that the competent units within the Secretariat develop the adequate capacity and appropriate modalities, technical procedures and guidelines to continue, on a regular basis, to collate and coordinate information about international assistance available to third States affected by the implementation of sanctions, to continue developing a possible methodology for assessing the adverse consequences actually incurred by third States and to explore innovative and practical measures of assistance to the affected third States;

"5. *Welcomes* the report of the Secretary-General containing a summary of the deliberations and main findings of the ad hoc expert group meeting on developing a methodology for assessing the consequences incurred by third States as a result of preventive or enforcement measures and on exploring innovative and practical measures of international assistance to the affected third States, and renews its invitation to States and relevant international organizations within and outside the United Nations system which have not yet done so to provide their views regarding the report of the ad hoc expert group meeting;

"6. *Requests* the Secretary-General to expedite the preparation of a report to the General Assembly containing his views on the deliberations and main findings, including the recommendations, of the ad hoc expert group on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions, taking into account the views of States, the organizations of the United Nations system, international financial institutions and other international organizations, as well as the Chairman's proposed outcome of the informal working group of the Security Council on general issues relating to sanctions;

"7. *Reaffirms* the important role of the General Assembly, the Economic and Social Council and the Committee for Programme and Coordination in mobilizing and monitoring, as appropriate, the economic assistance efforts by the international community and the United Nations system on behalf of States confronted with special economic problems arising from the carrying out of preventive or enforcement measures imposed by the Security Council and, as appropriate, in identifying solutions to the special economic problems of those States;

"8. *Takes note* of the decision of the Economic and Social Council, in its resolution 2000/32 of 28 July 2000, to continue its consideration of the question of assistance to third States affected by the application of sanctions, invites the Council, at its organizational session for 2002, to make appropriate arrangements for this purpose within its programme of work for 2002, and decides to transmit the most recent report of the Secretary-General on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions, together with the relevant background materials, to the Council at its substantive session of 2002;

"9. *Invites* the organizations of the United Nations system, international financial institutions, other international organizations, regional organizations and Member States to address more specifically and directly, where appropriate, special economic problems of third States affected by sanctions imposed under Chapter VII of the Charter and, for this purpose, to consider improving procedures for consultations to maintain a constructive dialogue with such States, including through regular and frequent meetings as well as, where appropriate, special meetings between the affected third States and the donor community, with the participation of United Nations agencies and other international organizations;

"10. *Requests* the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, at its session in 2002, to continue to consider on a priority basis the question of the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter, taking into consideration all of the related reports of the Secretary-General, in particular the 1998 report containing a summary of the deliberations and main findings of the ad hoc expert group meeting convened pursuant to paragraph 4 of General Assembly resolution 52/162, together with the most recent report of the Secretary-General on this question, the forthcoming report of the informal working group of the Security Council on general issues relating to sanctions, the proposals submitted on the question, the debate on the question in the Sixth Committee during the fifty-sixth session of the Assembly and the text on the question of sanctions imposed by the United Nations contained in annex II to Assembly resolution 51/242, as well as the implementation of the provisions of Assembly resolutions 50/51, 51/208, 52/162, 53/107, 54/107, 55/157 and the present resolution;

"11. *Decides* to consider, within the Sixth Committee, or a working group of the Committee, at the fifty-seventh session of the General Assembly, further progress in the elaboration of effective measures aimed at the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter;

"12. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its fifty-seventh session, under the agenda item entitled 'Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization'."

11. At the 23rd meeting, on 8 November, the representative of Ukraine and coordinator of the informal consultations, on behalf of the sponsors of draft resolution A/C.6/56/L.6, introduced a revised draft resolution entitled "Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions" (A/C.6/56/L.6/Rev.1).

12. At its 24th meeting, on 9 November, the Committee adopted draft resolution A/C.6/56/L.6/Rev.1 without a vote (see para. 13, draft resolution II).

# III. Recommendations of the Sixth Committee

13. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolutions:

## Draft resolution I
## Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

*The General Assembly*,

*Recalling* its resolution 3499 (XXX) of 15 December 1975, by which it established the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and its relevant resolutions adopted at subsequent sessions,

*Recalling also* its resolution 47/233 of 17 August 1993 on the revitalization of the work of the General Assembly,

*Recalling further* its resolution 47/62 of 11 December 1992 on the question of equitable representation on and increase in the membership of the Security Council,

*Taking note* of the report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council,[2]

*Recalling* the elements relevant to the work of the Special Committee contained in its resolution 47/120 B of 20 September 1993,

*Recalling also* its resolution 51/241 of 31 July 1997 on the strengthening of the United Nations system and its resolution 51/242 of 15 September 1997, entitled "Supplement to an Agenda for Peace", by which it adopted the texts on coordination and the question of sanctions imposed by the United Nations, which are annexed to that resolution,

*Recalling further* that the International Court of Justice is the principal judicial organ of the United Nations, and reaffirming its authority and independence,

[2] *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 47* (A/55/47).

*Considering* the desirability of finding practical ways and means to strengthen the Court, taking into consideration, in particular, the needs resulting from its increased workload,

*Taking note* of the report of the Secretary-General on the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*,[3]

*Recalling* its resolution 55/156 of 12 December 2000,

*Having considered* the report of the Special Committee on the work of its session held in 2001,[4]

1. *Takes note* of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;[4]

2. *Decides* that the Special Committee shall hold its next session from 18 to 28 March 2002;

3. *Requests* the Special Committee, at its session in 2002, in accordance with paragraph 5 of General Assembly resolution 50/52 of 11 December 1995:

(a) To continue its consideration of all proposals concerning the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations and, in this context, to consider other proposals relating to the maintenance of international peace and security already submitted or which may be submitted to the Special Committee at its session in 2002;

(b) To continue to consider on a priority basis the question of the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter by commencing a substantive debate on all of the related reports of the Secretary-General,[5] the proposals submitted on this subject, taking into consideration the debate on the question held by the Sixth Committee at the fifty-sixth session of the General Assembly and the text on the question of sanctions imposed by the United Nations contained in annex II to Assembly resolution 51/242, and also the implementation of the provisions of Assembly resolutions 50/51 of 11 December 1995, 51/208 of 17 December 1996, 52/162 of 15 December 1997, 53/107 of 8 December 1998, 54/107 of 9 December 1999 and 55/157 of 12 December 2000;

(c) To continue its work on the question of the peaceful settlement of disputes between States and, in this context, to continue its consideration of proposals relating thereto, including the proposal on the establishment of a dispute settlement service offering or responding with its services early in disputes and those proposals relating to the enhancement of the role of the International Court of Justice, with a view to completing, if possible, its consideration of these proposals;

(d) To continue to consider proposals concerning the Trusteeship Council in the light of the report of the Secretary-General submitted in accordance with

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[3] A/56/330.

[4] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 33* (A/56/33).

[5] A/48/573-S/26705, A/49/356, A/50/60-S/1995/1, A/50/361, A/50/423, A/51/317, A/52/308, A/53/312, A/54/383 and Add.1, A/55/295 and Add.1 and A/56/303.

General Assembly resolution 50/55 of 11 December 1995,[6] the report of the Secretary-General entitled "Renewing the United Nations: a programme for reform"[7] and the views expressed by States on this subject at previous sessions of the General Assembly;

(e) To continue to consider, on a priority basis, ways and means of improving its working methods and enhancing its efficiency with a view to identifying widely acceptable measures for future implementation;

4. *Takes note* of paragraph 47 of the report of the Secretary-General,[3] commends the Secretary-General for his continued efforts to reduce the backlog in the publication of the *Repertory of Practice of United Nations Organs*, and endorses the efforts of the Secretary-General to eliminate the backlog in the publication of the *Repertoire of the Practice of the Security Council*;

5. *Invites* the Special Committee at its session in 2002 to continue to identify new subjects for consideration in its future work with a view to contributing to the revitalization of the work of the United Nations;

6. *Takes note* of the readiness of the Special Committee, in the context of its consideration of the subject of assistance to working groups on the revitalization of the work of the United Nations and coordination between the Special Committee and other working groups dealing with the reform of the Organization, to provide, within its mandate, such assistance as may be sought at the request of other subsidiary bodies of the General Assembly in relation to any issues before them;

7. *Requests* the Special Committee to submit a report on its work to the General Assembly at its fifty-seventh session;

8. *Decides* to include in the provisional agenda of its fifty-seventh session the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

## Draft resolution II
## Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions

*The General Assembly*,

*Concerned* about the special economic problems confronting certain States arising from the carrying out of preventive or enforcement measures taken by the Security Council against other States, and taking into account the obligation of Members of the United Nations under Article 49 of the Charter of the United Nations to join in affording mutual assistance in carrying out the measures decided upon by the Security Council,

*Recalling* the right of third States confronted with special economic problems of that nature to consult the Security Council with regard to a solution of those problems, in accordance with Article 50 of the Charter,

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[6] A/50/1011.

[7] A/51/950 and Add.1-7.

*Recognizing* the desirability of the consideration of further appropriate procedures for consultations to deal in a more effective manner with the problems referred to in Article 50 of the Charter,

*Recalling*:

(a) The report of the Secretary-General entitled "An Agenda for Peace",[8] in particular paragraph 41 thereof,

(b) Its resolution 47/120 A of 18 December 1992, entitled "An Agenda for Peace: preventive diplomacy and related matters", its resolution 47/120 B of 20 September 1993, entitled "An Agenda for Peace", in particular section IV thereof, entitled "Special economic problems arising from the implementation of preventive or enforcement measures", and its resolution 51/242 of 15 September 1997, entitled "Supplement to an Agenda for Peace", in particular annex II thereto, entitled "Question of sanctions imposed by the United Nations",

(c) The position paper of the Secretary-General entitled "Supplement to an Agenda for Peace",[9]

(d) The statement by the President of the Security Council of 22 February 1995;[10]

(e) The report of the Secretary-General[11] prepared pursuant to the statement by the President of the Security Council[12] regarding the question of special economic problems of States as a result of sanctions imposed under Chapter VII of the Charter,

(f) The annual overview reports of the Administrative Committee on Coordination for the period from 1992 to 2000,[13] in particular the sections therein on assistance to countries invoking Article 50 of the Charter of the United Nations,

(g) The reports of the Secretary-General on economic assistance to States affected by the implementation of the Security Council resolutions imposing sanctions against the Federal Republic of Yugoslavia[14] and General Assembly resolutions 48/210 of 21 December 1993, 49/21 A of 2 December 1994, 50/58 E of 12 December 1995, 51/30 A of 5 December 1996, 52/169 H of 16 December 1997, 54/96 G of 15 December 1999 and 55/170 of 14 December 2000,

(h) The reports of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization on the work of its sessions held in the years 1994 to 2001,[15]

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[8] A/47/277-S/24111.

[9] A/50/60-S/1995/1.

[10] S/PRST/1995/9; see *Resolutions and Decisions of the Security Council, 1995*.

[11] A/48/573-S/26705.

[12] S/25036; see *Resolutions and Decisions of the Security Council, 1992*.

[13] E/1993/81, E/1994/19, E/1995/21, E/1996/18 and Add.1, E/1997/54 and Corr.1, E/1998/21, E/1999/48, E/2000/53 and E/2001/55.

[14] A/49/356, A/50/423, A/51/356, A/52/535, A/54/534, A/55/620 and Corr.1 and A/56/361.

[15] *Official Records of the General Assembly, Forty-ninth Session, Supplement No. 33* (A/49/33); ibid., *Fiftieth Session, Supplement No. 33* (A/50/33); ibid., *Fifty-first Session, Supplement No. 33* (A/51/33); ibid., *Fifty-second Session, Supplement No. 33* and corrigendum (A/52/33 and Corr.1); ibid., *Fifty-third Session, Supplement No. 33* (A/53/33); ibid., *Fifty-fourth Session, Supplement No. 33* and corrigendum (A/54/33 and Corr.1); ibid., *Fifty-fifth Session, Supplement No. 33* (A/55/33); and ibid., *Fifty-sixth Session, Supplement No. 33* (A/56/33).

(i) The reports of the Secretary-General on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter,[16]

(j) The report of the Secretary-General to the Millennium Assembly of the United Nations,[17] in particular section IV.E thereof, entitled "Targeting sanctions",

(k) The United Nations Millennium Declaration,[18] in particular paragraph 9 thereof,

(l) The report of the Secretary-General entitled "Road map towards implementation of the United Nations Millennium Declaration",[19] in particular paragraphs 56 to 61 thereof,

*Taking note* of the most recent report of the Secretary-General, submitted in accordance with General Assembly resolution 55/157 of 12 December 2000,[20]

*Taking note also* of the report of the Office of Internal Oversight Services on the in-depth evaluation of United Nations programmes relating to global development trends, issues and policies and global approaches to social and microeconomic issues and policies, and the corresponding subprogrammes in the regional commissions,[21] in particular recommendation 3 contained therein, as approved by the Committee for Programme and Coordination at its fortieth session,[22]

*Recalling* that the question of assistance to third States affected by the application of sanctions has been addressed recently in several forums, including the General Assembly, the Security Council, the Economic and Social Council and their subsidiary organs,

*Recalling also* the measures taken by the Security Council, in accordance with the statement by the President of the Security Council of 16 December 1994,[23] that, as part of the effort of the Council to improve the flow of information and the exchange of ideas between members of the Council and other States Members of the United Nations, there should be increased recourse to open meetings, in particular at an early stage in its consideration of a subject,

*Recalling further* the measures taken by the Security Council in accordance with the note by the President of the Security Council of 29 January 1999[24] aimed at improving the work of the sanctions committees, including increasing the effectiveness and transparency of those committees,

*Stressing* that, in the formulation of sanctions regimes, due account should be taken of the potential effects of sanctions on third States,

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[16] A/50/361, A/51/317, A/52/308, A/53/312, A/54/383, A/55/295 and Add.1 and A/56/303.

[17] A/54/2000.

[18] See resolution 55/2.

[19] A/56/326.

[20] A/56/303.

[21] E/AC.51/2000/2.

[22] See *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 16* and corrigendum (A/55/16 and Corr.1), chap. II.C.1, para. 243.

[23] See PRST/1994/81; see *Resolutions and Decisions of the Security Council, 1994*.

[24] S/1999/92, see *Resolutions and Decisions of the Security Council, 1999*.

*Stressing also*, in this context, the powers of the Security Council under Chapter VII of the Charter and the primary responsibility of the Council under Article 24 of the Charter for the maintenance of international peace and security in order to ensure prompt and effective action by the United Nations,

*Recalling* that, under Article 31 of the Charter, any Member of the United Nations that is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Council whenever the latter considers that the interests of that Member are specially affected,

*Recognizing* that the imposition of sanctions under Chapter VII of the Charter has been causing special economic problems in third States and that it is necessary to intensify efforts to address those problems effectively,

*Taking into consideration* the views of third States which could be affected by the imposition of sanctions,

*Recognizing* that assistance to third States affected by the application of sanctions would further contribute to an effective and comprehensive approach by the international community to sanctions imposed by the Security Council,

*Recognizing also* that the international community at large and, in particular, international institutions involved in providing economic and financial assistance should continue to take into account and address in a more effective manner the special economic problems of affected third States arising from the carrying out of preventive or enforcement measures taken by the Security Council under Chapter VII of the Charter, in view of their magnitude and of the adverse impact on the economies of those States,

*Recalling* the provisions of its resolutions 50/51 of 11 December 1995, 51/208 of 17 December 1996, 52/162 of 15 December 1997, 53/107 of 8 December 1998, 54/107 of 9 December 1999 and 55/157 of 12 December 2000,

1. *Renews its invitation* to the Security Council to consider the establishment of further mechanisms or procedures, as appropriate, for consultations as early as possible under Article 50 of the Charter of the United Nations with third States which are or may be confronted with special economic problems arising from the carrying out of preventive or enforcement measures imposed by the Council under Chapter VII of the Charter, with regard to a solution of those problems, including appropriate ways and means for increasing the effectiveness of its methods and procedures applied in the consideration of requests by the affected States for assistance;

2. *Welcomes* the measures taken by the Security Council since the adoption of General Assembly resolution 50/51, most recently the note by the President of the Security Council of 17 April 2000,[25] whereby the members of the Security Council decided to establish an informal working group of the Council to develop general recommendations on how to improve the effectiveness of United Nations sanctions, looks forward to the adoption of the Chairman's proposed outcome of the working group, in particular those provisions thereof regarding the issues of unintended impacts of sanctions and assistance to States in implementing sanctions, and strongly recommends that the Council continue its efforts to further enhance the

[25] S/2000/319; see *Resolutions and Decisions of the Security Council, 2000*.

effectiveness and transparency of the sanctions committees, to streamline their working procedures and to facilitate access to them by representatives of States that find themselves confronted with special economic problems arising from the carrying out of sanctions;

3. *Invites* the Security Council, its sanctions committees and the Secretariat to continue to ensure, as appropriate, that:

(a) Both pre-assessment reports and ongoing assessment reports include as part of their analysis the likely and actual unintended impact of the sanctions on third States and recommend ways in which negative impacts can be mitigated;

(b) Sanctions committees provide opportunities for third States affected by sanctions to brief them on unintended impacts they are experiencing and assistance needed by them to mitigate negative impacts;

(c) The Secretariat continues to provide, upon request, advice and information to third States to help them to pursue means to mitigate the unintended impact of sanctions, for example, on invoking Article 50 of the Charter for consultation with the Security Council;

(d) Where economic sanctions have had severe effects on third States, the Security Council is able to request the Secretary-General to consider appointing a special representative or dispatching, as necessary, fact-finding missions on the ground to undertake necessary assessments and to identify, as appropriate, possible means of assistance;

(e) The Security Council is able, in the context of situations referred to in subparagraph (d) above, to consider establishing working groups to consider such situations;

4. *Requests* the Secretary-General to pursue the implementation of General Assembly resolutions 50/51, 51/208, 52/162, 53/107, 54/107 and 55/157 and to ensure that the competent units within the Secretariat develop the adequate capacity and appropriate modalities, technical procedures and guidelines to continue, on a regular basis, to collate and coordinate information about international assistance available to third States affected by the implementation of sanctions, to continue developing a possible methodology for assessing the adverse consequences actually incurred by third States and to explore innovative and practical measures of assistance to the affected third States;

5. *Welcomes* the report of the Secretary-General containing a summary of the deliberations and main findings of the ad hoc expert group meeting on developing a methodology for assessing the consequences incurred by third States as a result of preventive or enforcement measures and on exploring innovative and practical measures of international assistance to the affected third States,[26] and renews its invitation to States and relevant international organizations within and outside the United Nations system which have not yet done so to provide their views regarding the report of the ad hoc expert group meeting;

6. *Requests* the Secretary-General to expedite the preparation of a report to the General Assembly containing his views on the deliberations and main findings, including the recommendations, of the ad hoc expert group on the implementation of

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the provisions of the Charter related to assistance to third States affected by the application of sanctions, taking into account the views of States, the organizations of the United Nations system, international financial institutions and other international organizations, as well as the Chairman's proposed outcome of the informal working group of the Security Council on general issues relating to sanctions;

7. *Reaffirms* the important role of the General Assembly, the Economic and Social Council and the Committee for Programme and Coordination in mobilizing and monitoring, as appropriate, the economic assistance efforts of the international community and the United Nations system on behalf of States confronted with special economic problems arising from the carrying out of preventive or enforcement measures imposed by the Security Council and, as appropriate, in identifying solutions to the special economic problems of those States;

8. *Takes note* of the decision of the Economic and Social Council, in its resolution 2000/32 of 28 July 2000, to continue its consideration of the question of assistance to third States affected by the application of sanctions, invites the Council, at its organizational session for 2002, to make appropriate arrangements for this purpose within its programme of work for 2002, and decides to transmit the most recent report of the Secretary-General on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions,[20] together with the relevant background materials, to the Council at its substantive session of 2002;

9. *Invites* the organizations of the United Nations system, international financial institutions, other international organizations, regional organizations and Member States to address more specifically and directly, where appropriate, the special economic problems of third States affected by sanctions imposed under Chapter VII of the Charter and, for this purpose, to consider improving procedures for consultations to maintain a constructive dialogue with such States, including through regular and frequent meetings as well as, where appropriate, special meetings between the affected third States and the donor community, with the participation of United Nations agencies and other international organizations;

10. *Requests* the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, at its session in 2002, to continue to consider on a priority basis the question of the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter by commencing a substantive debate on all of the related reports of the Secretary-General, in particular the 1998 report containing a summary of the deliberations and main findings of the ad hoc expert group meeting convened pursuant to paragraph 4 of General Assembly resolution 52/162,[26] together with the most recent report of the Secretary-General on this question,[20] taking into consideration the forthcoming report of the informal working group of the Security Council on general issues relating to sanctions, the proposals submitted on the question, the debate on the question in the Sixth Committee during the fifty-sixth session of the Assembly and the text on the question of sanctions imposed by the United Nations contained in annex II to Assembly resolution 51/242, as well as the implementation of the provisions of Assembly resolutions 50/51, 51/208, 52/162, 53/107, 54/107, 55/157 and the present resolution;

11. *Decides* to consider, within the Sixth Committee or a working group of the Committee, at the fifty-seventh session of the General Assembly, further progress in the elaboration of effective measures aimed at the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter;

12. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its fifty-seventh session, under the agenda item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".